

REMARKS

I. Personal Interview With Examiner

At the outset, the applicants' undersigned attorney wishes to express his appreciation to Examiners Robert and Cumberlandge for the time and courtesies extended during the personal interview of January 31, 2008. The Interview Summary record is believed to reflect accurately the substance of the interview. However, some additional reference may be made to the discussions during the interview in the following remarks.

II. Discussion of Claim Amendments

By way of the amendment instructions above, independent claim 1 has been further amended so as to clarify that the various "trajectory parts" are in fact a part of the surgical cable. Moreover, in order to improve interpretation of claim 1, reference identifiers to the preferred embodiments depicted in the original drawing Figures have been reintroduced. Conforming amendments have likewise been made to several of the dependent claims.

Thus, upon entry of the present amendment, claims 1-17 will remain pending herein for which favorable reconsideration and allowance are solicited.

III. Response to Substantive Issues

The only substantive issue to be resolved in this application is the Examiner's continued rejection of prior claims 1-14 under 35 USC §102(e) as allegedly anticipated

by Bonutti et al.¹ As will become evident from the following discussion, Bonutti et al fails to anticipate or render obvious the presently claimed invention.

It must again be noted at the that the claimed trajectory parts are those associated with the surgical cable (noted by reference numeral 16), and **not** to any structural component part of the claimed first and second rings. Thus, the amended version of claim 1 presented above makes it abundantly clear that the defined “trajectory parts” are in fact a part of the surgical cable.

Immediate problems arise when one attempts to read independent claim 1 onto the disclosure of Bonutti et al. For example, using the Examiner’s interpretation of the Bonutti et al structures, it can be seen that while Bonutti et al may be said to disclose some form of suture trajectory that could arguably be considered commensurate with the trajectory parts labeled (j), (a), (b), (c) and (e), there is no disclosure or suggestion of a trajectory part corresponding to those parts labeled (d) and (f). Such a glaring difference between the present invention as defined in claim 1 and Bonutti et al was graphically presented via Exhibits A-D with the applicants’ prior amendment.

In this regard, according to Bonutti et al the trajectory part corresponding to (d) of the present invention does **not** run “through the **second** central hole of the **second** ring” as required by claim 1 herein. Instead, it runs through what the Examiner has interpreted to be the “first central hole” of the “second ring” of Bonutti et al.

Similarly, using the Examiner’s interpretation of Bonutti et al, it is noted that while the “one end” of part (d) may arguably be connected with the first radial part (e) running through the gap established between the first and second rings, the “other end” of part

¹ Although the Office Action correctly confirmed that previously presented claims 15-17 were present in the application, such claims were not in fact rejected. However, since claims 15-17 were not indicated by the Examiner to be allowable, it has been presumed that their omission was an oversight by the Examiner. In any event, as will be explained hereinafter all pending claims 1-17 are allowable over the Bonutti et al reference.

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(d) is **not** connected to a “second radial trajectory part running ***underneath the second ring***” as required in claim 1. Instead, Bonutti et al suggest that such a suture trajectory part extends **above** the **first** (not the second) ring.

In view of the above therefore applicants suggest that Bonutti et al cannot anticipate or render obvious the present invention as claimed herein. Withdrawal of the rejection advanced under 35 USC §102(e) and early issuance of the Official Allowance Notice are therefore in order.

IV. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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